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SEP - 8 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

RECEIVED

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Nogales, AZ))

RM-_____

SEP - 8 1992

Federal Communications Commission
Office of the Secretary

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Pursuant to Section 1.401(a) and Section 1.420 of the Commission's Rules, **Felix Corporation** respectfully requests the institution of a rule making proceeding to allot FM Channel 256A to Nogales, Arizona (hereafter "Nogales"),^{1/} as that community's second local FM transmission service. In support thereof, an engineering exhibit (attached hereto) and the following is submitted:

1. Nogales is the county seat for Santa Cruz County. Nogales presently has only one FM broadcast service licensed to it.^{2/} The proposed allotment will provide Nogales with its second local FM broadcast service. As shown in the attached engineering statement of consulting engineer Oscar Leon Cuellar, the allotment of Channel 256A to Nogales complies with all Commission spacing rules.

^{1/}The reference coordinates for the proposed allotment of Channel 256A are 31° 20' 14" North and 110° 56' 12".

^{2/}Nogales' only licensed AM station (KFBR) has been off the air for several months.

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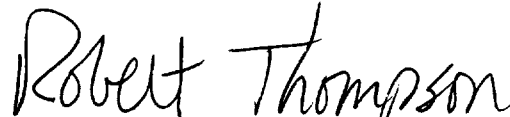
2. Nogales has a population of 19,498 persons (1990 census). Nogales and its suburbs in Santa Cruz County include nearly 30,000 persons. Nogales is the largest community in the county.

3. Nogales is listed in the 1990 census of population; in addition, the FCC previously has allocated an FM station to Nogales. Thus, Nogales already has been recognized by the FCC as a community deserving local FM transmission service.

4. Felix Corporation has a present intention to file for the new Nogales channel when allotted and, when authorized, to build a station promptly.

WHEREFORE, for the reasons above, the Commission should institute a rule making proceeding to allot FM Channel 256A to Nogales, Arizona.

Respectfully submitted,



Robert Lewis Thompson
PEPPER & CORAZZINI
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006
(202) 296-0600

Counsel for Felix Corporation

September 8, 1992

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ENGINEERING EXHIBIT

**Petition For
RULE MAKING PROPOSING TO AMEND
SECTION 73.202 OF THE FCC RULES
TO ASSIGN CH. 256A TO
NOGALES, ARIZONA**

**Petitioner:
FELIX CORPORATION**

AUGUST 1992

**Petition For
RULE-MAKING PROPOSING TO AMEND
SECTION 73.202 OF THE FCC RULES
TO ASSIGN CHANNEL 256A
TO NOGALES, ARIZONA**

ENGINEERING STATEMENT

Felix Corporation, hereinafter referred to as "FELIX", has requested Oscar Leon Cuellar, P.E., Consulting Engineer, to investigate the FM Commercial Channel Band pertaining to the Table of Allotments in Section 73.202 of the FCC Rules to determine if, under the minimum distance separation requirements as set forth in Section 73.207 of the Rules, a Class A assignment, Channel 256, could be made to Nogales, Arizona.

Nogales is a community of 19,489 inhabitants. Nogales is also the county seat for Santa Cruz County with a total population of 29,671 inhabitants. Both populations were obtained from the 1990 U.S. Census. There is at present, only one FM Commercial, Class A broadcast station in operation at Nogales. Since KFBR-AM radio has been off the air for several months now, there are no AM stations currently operating there. Therefore, FELIX submits that Nogales is of sufficient size and importance to its surrounding trade area to justify another Class A, FM assignment within the Table of Allotments thereto.

At the request of the Petitioner, a thorough study was conducted of all commercial FM frequency assignments. As a result, a Class A frequency, Channel 256, was found and determined to meet all minimum distance separation requirements. Nogales is located within FM Zone II. Separated as it is from Zone I, there are no problems involved with respect to any U.S. Class B assignments, only to Class C and Class A assignments. However, since Nogales is directly adjacent to the U.S./Mexican border, pertinent Mexican stations were considered in the aforementioned analysis for this Instant Report.

The minimum distance separation requirements between pertinent classes of stations are listed below. There is an ample extension of 20 square kilometers in the Nogales area for the location of the proposed transmitter and antenna while maintaining the integrity of the City coverage and required distance separations.

To avoid any ambiguity then, the geographic coordinates for the Nogales Post Office were taken for the calculation of distances.

The geographic coordinates for the Nogales Post Office are shown on a full scale reproduction of a portion of the U.S.G.S. Nogales quadrangle, 7.5 minute series topographic map, scale 1:24,000 attached herewith, and are:

North Latitude 31° 20' 14"
West Longitude 110° 56' 12"

The allocation of Channel 256 to Nogales, Arizona considering the nearest assignments on each Channel are:

Channel Number	Call	City	State	SEPARATION IN km	
				Required	Extant
253C	None within 95 km			95	-
254C	None within 95 km			95	-
255A	ALLOC	San Pedro, Sonora	Mexico	65	72.5
256C	KFMM	Thatcher	AZ	226	229.8
256B	ALLOC	Sonoita, Sonora	Mexico	75	176.48
257C	None within 165 km			165	-
258C	KIIM	Tucson	AZ	95	102.5
259C	None within 95 km			95	-

Geographic coordinates of FM stations considered in the Instant Report are:

CH. 256C	Allocation to	N	31°	14'	05"
	San Pedro, Sonora, Mexico	W	110°	11'	03"
CH. 256C	KFMM	N	32°	53'	22"
		W	109°	19'	23"
CH. 256B	Allocation to	N	31°	51'	52"
	Sonoita, Sonora, Mexico	W	112°	41'	30"
CH. 258C	Tucson, Arizona	N	32°	14'	56"
		W	111°	06'	59"

All separations are in excess of the minimum distance separation requirements.

The proposed assignment to Nogales would not be in conflict with any presently assigned channel to the surrounding area or existing FM stations regarding separation in frequency by 10.6 or 10.8 MHz for there are no channels 202 or 203 within 40 km.

FELIX will, upon allocation of Channel 256A to Nogales, file an Engineering Report before the Commission requesting the facilities of Channel 256A. The proposed Engineering Report will fully comply with all the Rules of the Commission and the US/MEX Agreement. All of the City of Nogales would receive a signal in excess of the 3.16 mV/m (70 dBu).

It is believed that the allocation of Channel 256 to Nogales, AZ, is in the best interest and necessity of the public.

Respectfully submitted,

(Seal)


Oscar Leon Cuellar

August 26, 1992

Petition For
RULE MAKING PROPOSING TO AMEND
SECTION 73.202 OF THE FCC RULES
TO ASSIGN CH. 256A TO
NOGALES, ARIZONA


A F F I D A V I T

State of Colorado)
)
City of Aurora)
)
County of Arapahoe)
)

ss:

I, Oscar Leon Cuellar, Registered Professional Engineer in the states of Arizona and Colorado with offices at 1273 Sable Boulevard, Aurora, Colorado do hereby certify that my engineering qualifications are a matter of record with the Federal Communications Commission since 1963; that this engineering statement on behalf of Felix Corporation, 441 N. Grand Avenue, Suite 3, Nogales, Arizona 85621, petitioning to allocate Ch. 256A to Nogales, has been prepared by me and that it is true and correct to the best of my knowledge and belief.

(SEAL)


Oscar Leon Cuellar, P.E.

Subscribed and sworn to before me this 26th day of August, 1992, at Aurora, Colorado.

(SEAL)


Notary Public

My Commission expires March 14, 1994.

57'30"

31° 22' 30"

3846 IV NW
(RIO RICO)

°07

55'

**Petition For
RULE MAKING PROPOSING TO AMEND
SECTION 73.202 OF THE FCC RULES
TO ASSIGN CH. 256A TO
NOGALES, ARIZONA**

**FELIX CORPORATION
AUGUST 1992**

110° 57' 30"

110° 55' 00"

31° 20' 00"

**GEOGRAPHIC COORDINATES OF
THE NOGALES POST OFFICE**

N 31° 20' 14"

W 110° 56' 12"

**FULL SCALE REPRODUCTION OF A PORTION OF
A TOPOGRAPHIC MAP (SCALE 1:24,000) SHOWING
THE NOGALES POST OFFICE AND COORDINATES**

1 5 0 1 KILOMETER

